

STATE OF NEW MEXICO  
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

No. EIB 11-02(R)

IN THE MATTER OF PROPOSED REVISIONS  
TO THE STATE IMPLEMENTATION PLAN  
TO SATISFY THE REQUIREMENTS OF  
CLEAN AIR ACT 110(a)(2)(D)(i)(II)  
WITH RESPECT TO VISIBILITY

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that on the 2nd day of June, 2011,  
this matter came on for hearing before the Environmental  
Improvement Board, taken at the San Juan College, Room  
7103, 4601 College Boulevard, Farmington, New Mexico, at  
the hour of 12:33 p.m.

KATHY TOWNSEND COURT REPORTERS

110 Twelfth Street, Northwest, Albuquerque, New Mexico 87102

(505) 243-5018 - Fax (505) 243-3606

## A P P E A R A N C E S

The Hearing Officer:

FELICIA ORTH  
New Mexico Environment Department  
1190 St. Francis Drive  
Harold Runnels Building  
Santa Fe, New Mexico 87501

The New Mexico Environmental Improvement Board:

DEBORAH PEACOCK  
GREGORY H. FULFER  
JAMES R. CASCIANO  
JOHN MICHAEL VOLKERDING  
TIMOTHY L. MORROW  
JEFFREY W. BRYCE  
ELIZABETH RYAN

STEPHEN VIGIL  
Assistant Attorney General  
Civil Division  
Office of the Attorney General  
Post Office Drawer 1508  
Santa Fe, New Mexico 87504-1508  
(505) 827-6040  
svigil@nmag.gov

For New Mexico Environment Department:

BILL GRANTHAM  
Office of General Counsel  
New Mexico Environment Department  
Post Office Box 5469  
1190 St. Francis Drive  
Suite N-4064  
Santa Fe, New Mexico 87502-5469  
(575) 779-1627  
bill.grantham@state.nm.us

## A P P E A R A N C E S (Continued)

For Public Service Company of New Mexico and  
Southwestern Public Service Company:

RICHARD L. ALVIDREZ  
MILLER STRATVERT PA  
Attorneys at Law  
500 Marquette, Northwest  
Suite 1100  
Albuquerque, New Mexico 87102  
(505) 824-4737  
ralvidrez@mstlaw.com

For M-S-R Public Power Agency:

LOUIS W. ROSE  
MONTGOMERY & ANDREW, PA  
Attorneys at Law  
Post Office Box 2307  
325 Paseo de Peralta  
Santa Fe, New Mexico 87504-2307  
(505) 982-3873  
lrose@montand.com

1	I N D E X	PAGE
2	WITNESSES:	
3	MARY UHL	
4	Direct Examination by Mr. Grantham	8
5	Examination by the Board	11
6	MAUREEN GANNON	
7	Direct Testimony	13
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S	ADMITTED
2	NEW MEXICO ENVIRONMENT DEPARTMENT:	
3	1. Clean Air Act Section 110	12
4	2. Federal Register Notice, January	
5	5, 2011	12
6	3. Universal Air Quality Permit Application	
7	with cover letter and attachments	12
8	4. Testimony of Mary Uhl	12
9	5. Public notices	12
10	6. NSR Permit No: 0063-M6R2 for San Juan	
11	Generating Station	10

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MS. ORTH: We're moving now -- excuse me.

2 Thank you.

3 We're moving now to a second hearing, proposed  
4 revisions to the State Implementation Plan to satisfy  
5 the requirements of Clean Air Act  
6 Section 110(a)(2)(D)(i)(II), with respect to visibility.  
7 The last hearing was primarily about NO<sub>x</sub>. This one is  
8 about ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. It's docketed by the  
9 administrator as EIB 11-02.

10 Board members, you will have noticed from the  
11 materials we sent you that we have just one witness  
12 providing technical testimony in this hearing. That's  
13 Ms. Uhl on behalf of the Department.

14 There were other parties who entered  
15 appearances, including PNM and Mr. Rose's client, and  
16 the Western Environmental Law Center. However, none of  
17 them proposed to present technical testimony. The only  
18 technical testimony we'll hear is from Ms. Uhl.

19 I will then ask if anyone has nontechnical  
20 public comment to offer.

21 We expect this hearing to be a much shorter  
22 hearing than the one we've just come through.

23 Ms. Uhl, Mr. Grantham.

24 MR. GRANTHAM: Thank you, Madam Hearing  
25 Officer, members of the Board.

1           To refresh your memory, this hearing is very  
2 closely related to the hearing that we've just  
3 conducted. It is to approve a SIP in  
4 Section 110(a)(2)(D) of the Clean Air Act, which is the  
5 good neighbor provision.

6           The impetus for this SIP revision is the fact  
7 that EPA used this provision of the Clean Air Act in  
8 order to make their BART -- proposed BART determination  
9 for San Juan Generating Station under the theory that  
10 because other states -- let me back up.

11           110(a)(2)(D), the good neighbor provision,  
12 requires a state to address emissions from within the  
13 state for various purposes, including the impact that  
14 those emissions would have on visibility measures in  
15 other states.

16           It was EPA's determination in their -- in  
17 their proposed BART determination that because other  
18 states in the region, such as Colorado, Arizona, Utah,  
19 were relying on an emission rate of .27 to .28 pounds  
20 per million BTU of NO<sub>x</sub> and for SO<sub>2</sub> of .15 pounds per  
21 million BTU, it was necessary to have some provision to  
22 enforce those requirements, in the absence of a regional  
23 haze plan from the state.

24           With that, I would like to examine our only  
25 witness in this case.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MARY UHL

having been first duly sworn or affirmed, was  
examined and testified as follows:

DIRECT EXAMINATION

BY MR. GRANTHAM:

Q. Please state your name for the record.

A. My name is Mary Uhl.

Q. And what is your employment?

A. I work for the New Mexico Environment  
Department. I'm the Occupational Health and Safety  
Bureau chief.

Q. And how long have you been in that position?

A. This is my 30th day in that position.

Q. And what was your position prior to that?

A. My position prior to that was the Air Quality  
Bureau chief for the New Mexico Environment Department.

Q. And as Air Quality Bureau chief, did you  
submit written testimony in the -- to be included in the  
notice of intent in this matter?

A. Yes, I did.

Q. And do you have any changes to the written  
testimony that you submitted?

A. No, I do not.

Q. Then do you adopt that testimony under oath  
here today?



1           A.     I do.

2           Q.     And have there been any changes or any new  
3 developments since the petition in this matter was  
4 filed?

5           A.     Yes.

6                   On May 16th, the Air Quality Bureau issued a  
7 revision to the permit for the San Juan Generating  
8 Station, and that revision required the San Juan  
9 Generating Station to limit their SO<sub>2</sub> emissions to  
10 .15 pounds per million BTU of sulfur dioxide.

11                   That is equivalent to the presumptive limit  
12 of -- for BART for sulfur dioxide. Despite the fact  
13 that there was no BART determination for SO<sub>2</sub> for PNM's  
14 San Juan Generating Station, that is equivalent to the  
15 presumptive limit, which is the same as the limit that  
16 EPA proposed in their Federal Implementation Plan on  
17 110(a)(2)(D).

18                   MR. GRANTHAM: Madam Hearing Officer, I have  
19 copies of that permit I would like to submit as NMED  
20 Exhibit 6.

21                   MS. ORTH: 6. All right.

22                   Are there objections from the other parties to  
23 the admission of 6?

24                   MR. ALVIDREZ: No objection.

25                   MS. ORTH: No?

1 All right. It's admitted.

2 (Exhibit NMED 6 admitted into evidence.)

3 MS. ORTH:

4 Q. (BY MR. GRANTHAM) Ms. Uhl, is there anything  
5 else you would like to add?

6 A. So that the objective that the Department  
7 needs to -- needs to achieve here for submission to  
8 USEPA is that for the PNM San Juan Generating Station  
9 the NO<sub>x</sub> emissions will be less than .27 to .28 pounds per  
10 million BTU of nitrogen oxides.

11 And with the previous approval of that SIP  
12 submission, we achieved that. We actually achieved the  
13 presumptive limit, which is .23 pounds per million BTU.  
14 So we are -- we are more than achieving what is expected  
15 by other states for NO<sub>x</sub> emissions, and we are achieving  
16 the .15 pounds per million BTU of SO<sub>2</sub> that is expected by  
17 other states in the region.

18 So the State of New Mexico will not interfere  
19 with efforts to protect visibility in other states and  
20 will, in fact, exceed what other states would have  
21 expected the state to achieve.

22 MR. GRANTHAM: Thank you.

23 I have no more questions.

24 MS. ORTH: All right.

25 Do any of the other parties have questions of

1 Ms. Uhl based on her testimony?

2 MR. ALVIDREZ: No questions. Thank you.

3 MR. ROSE: No questions.

4 MS. ORTH: Anyone else?

5 Board members, do you have questions of  
6 Ms. Uhl?

7 EXAMINATION

8 BY THE BOARD:

9 MR. CASCIANO: Just to clarify the numbers  
10 that you used, other states are expecting 0.28?

11 MS. UHL: 0.27 to 0.28. That was actually  
12 what the Western Regional Air Partnership projected as  
13 emissions for the San Juan Generating Station.

14 MR. CASCIANO: And we'll be achieving --

15 MR. GRANTHAM: .23, which is the --

16 MR. CASCIANO: During what time frame?

17 MS. UHL: In five years. Yeah.

18 MR. CASCIANO: Okay. Thank you.

19 MS. ORTH: Other Board questions?

20 MR. VOLKERDING: I was going to say the same  
21 thing that Mr. Casciano pointed out, that our previous  
22 decision works well with this and that we, obviously,  
23 are not impacting other states negatively with that  
24 decision, and that it will help other states in meeting  
25 their obligations, as well.

1           So I just wanted to make sure we pointed that  
2 out.

3           MS. ORTH: Anything else from the Board?

4           Were there objections to Exhibits 1 through 5  
5 which were attached to the Department's NOI?

6           MR. ALVIDREZ: No objection.

7           MS. ORTH: No?

8           All right. Exhibits 1 through 5 are also  
9 admitted.

10           (Exhibits NMED 1 through 5 admitted into  
11 evidence.)

12           MS. ORTH: Is there anything else,  
13 Mr. Grantham.

14           MR. GRANTHAM: No, Madam Hearing Officer. I  
15 think that Ms. Uhl's stated the case as succinctly as  
16 possible.

17           MS. ORTH: All right. Thank you, Ms. Uhl and  
18 Mr. Grantham.

19           Let me ask now if anyone has nontechnical  
20 public comment they would like to offer in EIB 11-02.

21           Ma'am.

22           THE REPORTER: Would you mind coming over  
23 here, please.

24           MS. GANNON: Oh, okay.

25           THE REPORTER: Thank you.

1 MAUREEN GANNON

2 having been first duly sworn or affirmed, was  
3 examined and testified as follows:

4 DIRECT TESTIMONY

5 THE REPORTER: Would you state and spell your  
6 full name, please.

7 MS. GANNON: Maureen Gannon, M-A-U-R-E-E-N,  
8 last name Gannon, G-A-N-N-O-N.

9 THE REPORTER: Thank you.

10 MS. GANNON: EIB Board, Chairman, thank you  
11 for giving me an opportunity to talk.

12 My name is Maureen Gannon. I'm the director  
13 of environmental services for Public Service Company of  
14 New Mexico.

15 PNM stands in support of the proposed SIPs for  
16 Section 110(a)(2)(D), the good neighbor provisions of  
17 the Clean Air Act. With the previous adoption of the  
18 state regional haze SIP by the Board, we will be able to  
19 meet the presumptive limit as we talked about for NO<sub>x</sub>,  
20 .23 pound per MBTU which satisfies the good neighbor  
21 provisions.

22 In addition, we have filed a permit revision  
23 to achieve a lower SO<sub>2</sub> emission rate of 0.15 pound per  
24 MBTU, and so we are, you know, willing to live with  
25 those requirements.

KATHY TOWNSEND COURT REPORTERS

110 Twelfth Street, Northwest, Albuquerque, New Mexico 87102

(505) 243-5018 - Fax (505) 243-3606

1           And so we just want to state our support of  
2 this -- this second proposed SIP.

3           And that's all.

4           MS. ORTH: Board, do you have questions of  
5 Ms. Gannon?

6           Thank you very much.

7           Is there anyone else who would like to offer  
8 nontechnical comment in EIB 11-02?

9           Hearing nothing else, we will close the  
10 evidentiary record.

11          And, Madam Chair, we'll continue back to you.

12          MS. PEACOCK: And we'll open up for  
13 deliberations.

14          Any comments?

15          Or motions?

16          MS. RYAN: I move to approve the SIP under the  
17 good neighbor provision.

18          MR. FULFER: Second.

19          MS. PEACOCK: All in favor.

20          (Simultaneous responses.)

21          MS. PEACOCK: Unanimous.

22          MS. ORTH: Thank you.

23          MS. PEACOCK: Approved.

24          (Proceedings adjourned at 12:45 p.m.)  
25

1 STATE OF NEW MEXICO )  
2 ) ss.  
3 COUNTY OF BERNALILLO )  
4  
5

6 I, CHERYL ARREGUIN, the officer before whom the  
7 foregoing proceeding was taken, do hereby certify that  
8 the witnesses whose testimony appears in the foregoing  
9 transcript were duly sworn or affirmed; that I  
10 personally recorded the testimony by machine shorthand;  
11 that said transcript is a true record of the testimony  
12 given by said witnesses; that I am neither attorney nor  
13 counsel for, nor related to or employed by any of the  
14 parties to the action in which this proceeding is taken,  
15 and that I am not a relative or employee of any attorney  
16 or counsel employed by the parties hereto or financially  
17 interested in the action.

18  
19  
20 NOTARY PUBLIC  
CCR License Number: 21  
Expires: 12/31/2011

21  
22 My Commission Expires: 12/12/11  
23  
24  
25

<b>0</b>	<b>4</b>	<b>addition</b> [1] - 13:22 <b>address</b> [1] - 7:12 <b>adjourned</b> [1] - 14:24 <b>administrator</b> [1] - 6:9 <b>admission</b> [1] - 9:23 <b>ADMITTED</b> [1] - 5:1 <b>admitted</b> [4] - 10:1, 10:2, 12:9, 12:10 <b>adopt</b> [1] - 8:24 <b>adoption</b> [1] - 13:17 <b>affirmed</b> [3] - 8:2, 13:2, 15:9 <b>Agency</b> [1] - 3:8 <b>AIR</b> [1] - 1:5 <b>Air</b> [10] - 5:3, 5:6, 6:5, 7:4, 7:7, 8:15, 8:17, 9:6, 11:12, 13:17 <b>Albuquerque</b> [1] - 3:6 <b>ALVIDREZ</b> [4] - 3:3, 9:24, 11:2, 12:6 <b>ANDREW</b> [1] - 3:9 <b>appearances</b> [1] - 6:15 <b>Application</b> [1] - 5:6 <b>approval</b> [1] - 10:11 <b>approve</b> [2] - 7:3, 14:16 <b>approved</b> [1] - 14:23 <b>Arizona</b> [1] - 7:18 <b>ARREGUIN</b> [1] - 15:6 <b>Assistant</b> [1] - 2:11 <b>attached</b> [1] - 12:5 <b>attachments</b> [1] - 5:7 <b>attorney</b> [2] - 15:12, 15:15 <b>Attorney</b> [2] - 2:11, 2:12 <b>Attorneys</b> [2] - 3:4, 3:10	<b>Board</b> [11] - 1:17, 2:6, 4:5, 6:10, 6:25, 11:5, 11:19, 12:3, 13:10, 13:18, 14:4 <b>Boulevard</b> [1] - 1:18 <b>Box</b> [2] - 2:18, 3:10 <b>BRYCE</b> [1] - 2:9 <b>BTU</b> [6] - 7:20, 7:21, 9:10, 10:10, 10:13, 10:16 <b>Building</b> [1] - 2:4 <b>Bureau</b> [4] - 8:11, 8:16, 8:17, 9:6 <b>BY</b> [3] - 8:5, 10:4, 11:8	<b>Counsel</b> [1] - 2:17 <b>COUNTY</b> [1] - 15:3 <b>cover</b> [1] - 5:7
<b>0.15</b> [1] - 13:23 <b>0.27</b> [1] - 11:11 <b>0.28</b> [2] - 11:10, 11:11 <b>0063-M6R2</b> [1] - 5:10	<b>4</b> [1] - 5:8 <b>4601</b> [1] - 1:18	<b>D</b>		
<b>1</b>	<b>5</b> <b>5</b> [5] - 5:5, 5:9, 12:4, 12:8, 12:10 <b>500</b> [1] - 3:5 <b>505</b> [3] - 2:14, 3:6, 3:12 <b>5469</b> [1] - 2:18 <b>575</b> [1] - 2:20	<b>de</b> [1] - 3:11 <b>DEBORAH</b> [1] - 2:7 <b>decision</b> [2] - 11:22, 11:24 <b>deliberations</b> [1] - 14:13 <b>DEPARTMENT</b> [1] - 5:2 <b>Department</b> [7] - 2:3, 2:16, 2:18, 6:13, 8:10, 8:16, 10:6 <b>Department's</b> [1] - 12:5 <b>despite</b> [1] - 9:12 <b>determination</b> [4] - 7:8, 7:16, 7:17, 9:13 <b>developments</b> [1] - 9:3 <b>dioxide</b> [2] - 9:10, 9:12 <b>Direct</b> [2] - 4:4, 4:7 <b>DIRECT</b> [2] - 8:4, 13:4 <b>director</b> [1] - 13:12 <b>Division</b> [1] - 2:12 <b>docketed</b> [1] - 6:8 <b>Drawer</b> [1] - 2:13 <b>Drive</b> [2] - 2:4, 2:19 <b>duly</b> [3] - 8:2, 13:2, 15:9 <b>during</b> [1] - 11:16		
<b>1</b> [4] - 5:3, 12:4, 12:8, 12:10 <b>10</b> [1] - 5:11 <b>11</b> [1] - 4:5 <b>11-02</b> [3] - 6:9, 12:20, 14:8 <b>11-02(R)</b> [1] - 1:3 <b>110</b> [1] - 5:3 <b>110(a)(2)(D)</b> [3] - 7:4, 7:11, 13:16 <b>110(a)(2)(D)</b> [1] - 9:17 <b>110(a)(2)(D)(i)(II)</b> [2] - 1:5, 6:6 <b>1100</b> [1] - 3:5 <b>1190</b> [2] - 2:4, 2:19 <b>12</b> [5] - 5:3, 5:5, 5:7, 5:8, 5:9 <b>12/12/11</b> [1] - 15:22 <b>12/31/2011</b> [1] - 15:20 <b>12:33</b> [1] - 1:19 <b>12:45</b> [1] - 14:24 <b>13</b> [1] - 4:7 <b>15</b> [3] - 7:20, 9:10, 10:16 <b>1508</b> [1] - 2:13 <b>16th</b> [1] - 9:6	<b>6</b> <b>6</b> [5] - 5:10, 9:20, 9:21, 9:23, 10:2	<b>C</b>		
<b>2</b>	<b>7</b> <b>7103</b> [1] - 1:18 <b>779-1627</b> [1] - 2:20	<b>CASCIANO</b> [5] - 2:8, 11:9, 11:14, 11:16, 11:18 <b>Casciano</b> [1] - 11:21 <b>case</b> [2] - 7:25, 12:15 <b>CCR</b> [1] - 15:20 <b>Center</b> [1] - 6:16 <b>certify</b> [1] - 15:7 <b>Chair</b> [1] - 14:11 <b>Chairman</b> [1] - 13:10 <b>changes</b> [2] - 8:21, 9:2 <b>CHERYL</b> [1] - 15:6 <b>chief</b> [3] - 8:11, 8:16, 8:17 <b>Civil</b> [1] - 2:12 <b>clarify</b> [1] - 11:9 <b>Clean</b> [5] - 5:3, 6:5, 7:4, 7:7, 13:17 <b>CLEAN</b> [1] - 1:5 <b>client</b> [1] - 6:15 <b>close</b> [1] - 14:9 <b>closely</b> [1] - 7:2 <b>College</b> [2] - 1:17, 1:18 <b>Colorado</b> [1] - 7:18 <b>coming</b> [1] - 12:22 <b>comment</b> [3] - 6:20, 12:20, 14:8 <b>comments</b> [1] - 14:14 <b>Commission</b> [1] - 15:22 <b>Company</b> [3] - 3:2, 3:2, 13:13 <b>conducted</b> [1] - 7:3 <b>continue</b> [1] - 14:11 <b>Continued</b> [1] - 3:1 <b>copies</b> [1] - 9:19 <b>counsel</b> [2] - 15:13, 15:16		
<b>2</b> [1] - 5:4 <b>2011</b> [2] - 1:15, 5:5 <b>21</b> [1] - 15:20 <b>23</b> [3] - 10:13, 11:15, 13:20 <b>2307</b> [1] - 3:10 <b>27</b> [2] - 7:19, 10:9 <b>28</b> [2] - 7:19, 10:9 <b>2nd</b> [1] - 1:15	<b>8</b> <b>8</b> [1] - 4:4 <b>824-4737</b> [1] - 3:6 <b>827-6040</b> [1] - 2:14 <b>87102</b> [1] - 3:6 <b>87501</b> [1] - 2:5 <b>87502-5469</b> [1] - 2:20 <b>87504-1508</b> [1] - 2:13 <b>87504-2307</b> [1] - 3:11	<b>E</b>		
<b>3</b> <b>3</b> [1] - 5:6 <b>30th</b> [1] - 8:13 <b>325</b> [1] - 3:11	<b>9</b> <b>982-3873</b> [1] - 3:12	<b>efforts</b> [1] - 10:19 <b>EIB</b> [5] - 1:3, 6:9, 12:20, 13:10, 14:8 <b>ELIZABETH</b> [1] - 2:10 <b>emission</b> [2] - 7:19, 13:23 <b>emissions</b> [6] - 7:12, 7:14, 9:9, 10:9, 10:15, 11:13 <b>employed</b> [2] - 15:13, 15:16 <b>employee</b> [1] - 15:15 <b>employment</b> [1] - 8:8 <b>enforce</b> [1] - 7:22 <b>entered</b> [1] - 6:14 <b>Environment</b> [5] - 2:3, 2:16, 2:18, 8:9,		
	<b>A</b> <b>able</b> [1] - 13:18 <b>absence</b> [1] - 7:22 <b>achieve</b> [3] - 10:7, 10:21, 13:23 <b>achieved</b> [2] - 10:12 <b>achieving</b> [3] - 10:14, 10:15, 11:14 <b>ACT</b> [1] - 1:5 <b>Act</b> [5] - 5:3, 6:5, 7:4, 7:7, 13:17 <b>action</b> [2] - 15:14, 15:17 <b>add</b> [1] - 10:5	<b>B</b> <b>BART</b> [5] - 7:8, 7:17, 9:12, 9:13 <b>based</b> [1] - 11:1 <b>BE</b> [1] - 1:15 <b>BEFORE</b> [1] - 1:1 <b>behalf</b> [1] - 6:13 <b>BERNALILLO</b> [1] - 15:3 <b>BILL</b> [1] - 2:17 <b>bill.grantham@state.nm.us</b> [1] - 2:21 <b>BOARD</b> [2] - 1:1, 11:8		

KATHY TOWNSEND COURT REPORTERS

110 Twelfth Street, Northwest, Albuquerque, New Mexico 87102

(505) 243-5018 - Fax (505) 243-3606



<p>8:16 <b>ENVIRONMENT</b> [1] - 5:2 <b>environmental</b> [1] - 13:13 <b>ENVIRONMENTAL</b> [1] - 1:1 <b>Environmental</b> [3] - 1:16, 2:6, 6:16 <b>EPA</b> [2] - 7:7, 9:16 <b>EPA's</b> [1] - 7:16 <b>equivalent</b> [2] - 9:11, 9:14 <b>evidence</b> [2] - 10:2, 12:11 <b>evidentiary</b> [1] - 14:10 <b>Examination</b> [1] - 4:4 <b>EXAMINATION</b> [2] - 8:4, 11:7 <b>examination</b> [1] - 4:5 <b>examine</b> [1] - 7:24 <b>examined</b> [2] - 8:3, 13:3 <b>exceed</b> [1] - 10:20 <b>excuse</b> [1] - 6:1 <b>Exhibit</b> [2] - 9:20, 10:2 <b>Exhibits</b> [3] - 12:4, 12:8, 12:10 <b>expect</b> [1] - 6:21 <b>expected</b> [3] - 10:14, 10:16, 10:21 <b>expecting</b> [1] - 11:10 <b>Expires</b> [2] - 15:20, 15:22</p> <p><b>F</b></p> <p><b>fact</b> [3] - 7:6, 9:12, 10:20 <b>Farmington</b> [1] - 1:18 <b>favor</b> [1] - 14:19 <b>Fe</b> [4] - 2:5, 2:13, 2:20, 3:11 <b>Federal</b> [2] - 5:4, 9:16 <b>FELICIA</b> [1] - 2:3 <b>filed</b> [2] - 9:4, 13:22 <b>financially</b> [1] - 15:16 <b>first</b> [2] - 8:2, 13:2 <b>five</b> [1] - 11:17 <b>follows</b> [2] - 8:3, 13:3 <b>foregoing</b> [2] - 15:7, 15:8</p>	<p><b>frame</b> [1] - 11:16 <b>Francis</b> [2] - 2:4, 2:19 <b>FULFER</b> [2] - 2:7, 14:18 <b>full</b> [1] - 13:6</p> <p><b>G</b></p> <p><b>G-A-N-N-O-N</b> [1] - 13:8 <b>GANNON</b> [5] - 4:6, 12:24, 13:1, 13:7, 13:10 <b>Gannon</b> [4] - 13:7, 13:8, 13:12, 14:5 <b>General</b> [3] - 2:11, 2:12, 2:17 <b>Generating</b> [7] - 5:11, 7:9, 9:7, 9:9, 9:14, 10:8, 11:13 <b>given</b> [1] - 15:12 <b>GRANTHAM</b> [8] - 2:17, 6:24, 8:5, 9:18, 10:4, 10:22, 11:15, 12:14 <b>Grantham</b> [4] - 4:4, 6:23, 12:13, 12:18 <b>GREGORY</b> [1] - 2:7</p> <p><b>H</b></p> <p><b>Harold</b> [1] - 2:4 <b>haze</b> [2] - 7:23, 13:18 <b>Health</b> [1] - 8:10 <b>hear</b> [1] - 6:18 <b>hearing</b> [9] - 1:16, 6:3, 6:7, 6:12, 6:21, 6:22, 7:1, 7:2, 14:9 <b>Hearing</b> [4] - 2:2, 6:24, 9:18, 12:14 <b>help</b> [1] - 11:24 <b>hereby</b> [1] - 15:7 <b>hereto</b> [1] - 15:16 <b>hour</b> [1] - 1:19</p> <p><b>I</b></p> <p><b>impact</b> [1] - 7:13 <b>impacting</b> [1] - 11:23 <b>impetus</b> [1] - 7:6 <b>IMPLEMENTATION</b> [1] - 1:4 <b>Implementation</b> [2] - 6:4, 9:16 <b>IMPROVEMENT</b> [1] - 1:1 <b>Improvement</b> [2] -</p>	<p>1:17, 2:6 <b>IN</b> [1] - 1:4 <b>included</b> [1] - 8:18 <b>including</b> [2] - 6:15, 7:13 <b>intent</b> [1] - 8:19 <b>interested</b> [1] - 15:17 <b>interfere</b> [1] - 10:18 <b>issued</b> [1] - 9:6 <b>IT</b> [1] - 1:15</p> <p><b>J</b></p> <p><b>JAMES</b> [1] - 2:8 <b>January</b> [1] - 5:4 <b>JEFFREY</b> [1] - 2:9 <b>JOHN</b> [1] - 2:8 <b>Juan</b> [8] - 1:17, 5:10, 7:9, 9:7, 9:8, 9:14, 10:8, 11:13 <b>June</b> [1] - 1:15</p> <p><b>L</b></p> <p><b>last</b> [2] - 6:7, 13:8 <b>Law</b> [3] - 3:4, 3:10, 6:16 <b>less</b> [1] - 10:9 <b>letter</b> [1] - 5:7 <b>License</b> [1] - 15:20 <b>limit</b> [6] - 9:9, 9:11, 9:15, 10:13, 13:19 <b>live</b> [1] - 13:24 <b>LOUIS</b> [1] - 3:9 <b>lower</b> [1] - 13:23 <b>Irose@montand.com</b> [1] - 3:12</p> <p><b>M</b></p> <p><b>ma'am</b> [1] - 12:21 <b>machine</b> [1] - 15:10 <b>Madam</b> [4] - 6:24, 9:18, 12:14, 14:11 <b>Marquette</b> [1] - 3:5 <b>MARY</b> [2] - 4:3, 8:1 <b>Mary</b> [2] - 5:8, 8:7 <b>materials</b> [1] - 6:11 <b>MATTER</b> [1] - 1:4 <b>matter</b> [3] - 1:16, 8:19, 9:3 <b>MAUREEN</b> [3] - 4:6, 13:1, 13:7 <b>Maureen</b> [2] - 13:7, 13:12 <b>MBTU</b> [2] - 13:20, 13:24 <b>measures</b> [1] - 7:14</p>	<p><b>meet</b> [1] - 13:19 <b>meeting</b> [1] - 11:24 <b>members</b> [3] - 6:10, 6:25, 11:5 <b>memory</b> [1] - 7:1 <b>MEXICO</b> [3] - 1:1, 5:2, 15:1 <b>Mexico</b> [15] - 1:18, 2:3, 2:5, 2:6, 2:13, 2:16, 2:18, 2:20, 3:2, 3:6, 3:11, 8:9, 8:16, 10:18, 13:14 <b>MICHAEL</b> [1] - 2:8 <b>MILLER</b> [1] - 3:4 <b>million</b> [6] - 7:20, 7:21, 9:10, 10:10, 10:13, 10:16 <b>mind</b> [1] - 12:22 <b>MONTGOMERY</b> [1] - 3:9 <b>MORROW</b> [1] - 2:9 <b>motions</b> [1] - 14:15 <b>move</b> [1] - 14:16 <b>moving</b> [2] - 6:1, 6:3 <b>MR</b> [17] - 6:24, 8:5, 9:18, 9:24, 10:4, 10:22, 11:2, 11:3, 11:9, 11:14, 11:15, 11:16, 11:18, 11:20, 12:6, 12:14, 14:18 <b>MS</b> [23] - 6:1, 9:21, 9:25, 10:3, 10:24, 11:4, 11:11, 11:17, 11:19, 12:3, 12:7, 12:12, 12:17, 12:24, 13:7, 13:10, 14:4, 14:12, 14:16, 14:19, 14:21, 14:22, 14:23 <b>MSR</b> [1] - 3:8</p> <p><b>N</b></p> <p><b>N-4064</b> [1] - 2:19 <b>name</b> [5] - 8:6, 8:7, 13:6, 13:8, 13:12 <b>necessary</b> [1] - 7:21 <b>needs</b> [2] - 10:7 <b>negatively</b> [1] - 11:23 <b>neighbor</b> [5] - 7:5, 7:11, 13:16, 13:20, 14:17 <b>new</b> [1] - 9:2 <b>NEW</b> [3] - 1:1, 5:2, 15:1 <b>New</b> [15] - 1:18, 2:3, 2:5, 2:6, 2:13, 2:16, 2:18, 2:20, 3:2, 3:6, 3:11, 8:9, 8:16, 10:18,</p>	<p>13:14 <b>nitrogen</b> [1] - 10:10 <b>NMED</b> [3] - 9:19, 10:2, 12:10 <b>NOI</b> [1] - 12:5 <b>none</b> [1] - 6:16 <b>nontechnical</b> [3] - 6:19, 12:19, 14:8 <b>Northwest</b> [1] - 3:5 <b>NOTARY</b> [1] - 15:19 <b>nothing</b> [1] - 14:9 <b>notice</b> [1] - 8:19 <b>Notice</b> [1] - 5:4 <b>noticed</b> [1] - 6:10 <b>notices</b> [1] - 5:9 <b>NOx</b> [5] - 6:7, 7:20, 10:9, 10:15, 13:19 <b>NSR</b> [1] - 5:10 <b>Number</b> [1] - 15:20 <b>numbers</b> [1] - 11:9</p> <p><b>O</b></p> <p><b>oath</b> [1] - 8:24 <b>objection</b> [2] - 9:24, 12:6 <b>objections</b> [2] - 9:22, 12:4 <b>objective</b> [1] - 10:6 <b>obligations</b> [1] - 11:25 <b>obviously</b> [1] - 11:22 <b>Occupational</b> [1] - 8:10 <b>OF</b> [6] - 1:1, 1:4, 1:5, 1:13, 15:1, 15:3 <b>offer</b> [3] - 6:20, 12:20, 14:7 <b>Office</b> [5] - 2:12, 2:13, 2:17, 2:18, 3:10 <b>Officer</b> [4] - 2:2, 6:25, 9:18, 12:14 <b>officer</b> [1] - 15:6 <b>one</b> [3] - 6:7, 6:11, 6:22 <b>open</b> [1] - 14:12 <b>opportunity</b> [1] - 13:11 <b>order</b> [1] - 7:8 <b>ORTH</b> [14] - 2:3, 6:1, 9:21, 9:25, 10:3, 10:24, 11:4, 11:19, 12:3, 12:7, 12:12, 12:17, 14:4, 14:22 <b>oxides</b> [1] - 10:10 <b>ozone</b> [1] - 6:8</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

KATHY TOWNSEND COURT REPORTERS

110 Twelfth Street, Northwest, Albuquerque, New Mexico 87102

(505) 243-5018 - Fax (505) 243-3606

<p><b>P</b></p> <p><b>p.m</b> [2] - 1:19, 14:24  <b>PA</b> [2] - 3:4, 3:9  <b>PAGE</b> [1] - 4:1  <b>parties</b> [5] - 6:14, 9:22, 10:25, 15:14, 15:16  <b>Partnership</b> [1] - 11:12  <b>Paseo</b> [1] - 3:11  <b>PEACOCK</b> [5] - 2:7, 14:12, 14:19, 14:21, 14:23  <b>per</b> [8] - 7:20, 9:10, 10:9, 10:13, 10:16, 13:20, 13:23  <b>Peralta</b> [1] - 3:11  <b>permit</b> [3] - 9:7, 9:19, 13:22  <b>Permit</b> [2] - 5:6, 5:10  <b>personally</b> [1] - 15:10  <b>petition</b> [1] - 9:3  <b>PLAN</b> [1] - 1:4  <b>plan</b> [1] - 7:23  <b>Plan</b> [2] - 6:4, 9:16  <b>PM10</b> [1] - 6:8  <b>PM2.5</b> [1] - 6:8  <b>PNM</b> [3] - 6:15, 10:8, 13:15  <b>PNM's</b> [1] - 9:13  <b>pointed</b> [2] - 11:21, 12:1  <b>position</b> [4] - 8:12, 8:13, 8:14, 8:15  <b>possible</b> [1] - 12:16  <b>Post</b> [3] - 2:13, 2:18, 3:10  <b>pound</b> [2] - 13:20, 13:23  <b>pounds</b> [6] - 7:19, 7:20, 9:10, 10:9, 10:13, 10:16  <b>Power</b> [1] - 3:8  <b>present</b> [1] - 6:17  <b>presumptive</b> [4] - 9:11, 9:15, 10:13, 13:19  <b>previous</b> [3] - 10:11, 11:21, 13:17  <b>primarily</b> [1] - 6:7  <b>proceeding</b> [2] - 15:7, 15:14  <b>PROCEEDINGS</b> [1] - 1:13  <b>proceedings</b> [1] - 14:24  <b>projected</b> [1] - 11:12</p>	<p><b>proposed</b> [7] - 6:3, 6:17, 7:8, 7:17, 9:16, 13:15, 14:2  <b>PROPOSED</b> [1] - 1:4  <b>protect</b> [1] - 10:19  <b>providing</b> [1] - 6:12  <b>provision</b> [5] - 7:5, 7:7, 7:11, 7:21, 14:17  <b>provisions</b> [2] - 13:16, 13:21  <b>PUBLIC</b> [1] - 15:19  <b>Public</b> [5] - 3:2, 3:2, 3:8, 5:9, 13:13  <b>public</b> [2] - 6:20, 12:20  <b>purposes</b> [1] - 7:13</p> <p><b>Q</b></p> <p><b>Quality</b> [4] - 5:6, 8:15, 8:17, 9:6  <b>questions</b> [7] - 10:23, 10:25, 11:2, 11:3, 11:5, 11:19, 14:4</p> <p><b>R</b></p> <p><b>ralvidrez@mstlaw.com</b> [1] - 3:7  <b>rate</b> [2] - 7:19, 13:23  <b>record</b> [3] - 8:6, 14:10, 15:11  <b>recorded</b> [1] - 15:10  <b>refresh</b> [1] - 7:1  <b>region</b> [2] - 7:18, 10:17  <b>Regional</b> [1] - 11:12  <b>regional</b> [2] - 7:22, 13:18  <b>Register</b> [1] - 5:4  <b>related</b> [2] - 7:2, 15:13  <b>relative</b> [1] - 15:15  <b>relying</b> [1] - 7:19  <b>REMEMBERED</b> [1] - 1:15  <b>REPORTER</b> [4] - 12:22, 12:25, 13:5, 13:9  <b>required</b> [1] - 9:8  <b>requirements</b> [3] - 6:5, 7:22, 13:25  <b>REQUIREMENTS</b> [1] - 1:5  <b>requires</b> [1] - 7:12  <b>respect</b> [1] - 6:6  <b>RESPECT</b> [1] - 1:6</p>	<p><b>responses</b> [1] - 14:20  <b>revision</b> [4] - 7:6, 9:7, 9:8, 13:22  <b>revisions</b> [1] - 6:4  <b>REVISIONS</b> [1] - 1:4  <b>RICHARD</b> [1] - 3:3  <b>Room</b> [1] - 1:17  <b>ROSE</b> [2] - 3:9, 11:3  <b>rose's</b> [1] - 6:15  <b>Runnels</b> [1] - 2:4  <b>RYAN</b> [2] - 2:10, 14:16</p> <p><b>S</b></p> <p><b>Safety</b> [1] - 8:10  <b>San</b> [8] - 1:17, 5:10, 7:9, 9:7, 9:8, 9:14, 10:8, 11:13  <b>Santa</b> [4] - 2:5, 2:13, 2:20, 3:11  <b>satisfies</b> [1] - 13:20  <b>SATISFY</b> [1] - 1:5  <b>satisfy</b> [1] - 6:4  <b>second</b> [3] - 6:3, 14:2, 14:18  <b>Section</b> [4] - 5:3, 6:6, 7:4, 13:16  <b>sent</b> [1] - 6:11  <b>Service</b> [3] - 3:2, 3:2, 13:13  <b>services</b> [1] - 13:13  <b>shorter</b> [1] - 6:21  <b>shorthand</b> [1] - 15:10  <b>simultaneous</b> [1] - 14:20  <b>SIP</b> [6] - 7:3, 7:6, 10:11, 13:18, 14:2, 14:16  <b>SIPs</b> [1] - 13:15  <b>SO2</b> [5] - 7:20, 9:9, 9:13, 10:16, 13:23  <b>Southwestern</b> [1] - 3:2  <b>spell</b> [1] - 13:5  <b>ss</b> [1] - 15:2  <b>St</b> [2] - 2:4, 2:19  <b>stands</b> [1] - 13:15  <b>state</b> [8] - 7:12, 7:13, 7:23, 8:6, 10:21, 13:5, 13:18, 14:1  <b>STATE</b> [3] - 1:1, 1:4, 15:1  <b>State</b> [2] - 6:4, 10:18  <b>states</b> [10] - 7:10, 7:15, 7:18, 10:15, 10:17, 10:19, 10:20,</p>	<p>11:10, 11:23, 11:24  <b>Station</b> [7] - 5:11, 7:9, 9:8, 9:9, 9:14, 10:8, 11:13  <b>STEPHEN</b> [1] - 2:11  <b>STRATVERT</b> [1] - 3:4  <b>submission</b> [2] - 10:7, 10:12  <b>submit</b> [2] - 8:18, 9:19  <b>submitted</b> [1] - 8:22  <b>succinctly</b> [1] - 12:15  <b>Suite</b> [2] - 2:19, 3:5  <b>sulfur</b> [2] - 9:10, 9:12  <b>support</b> [2] - 13:15, 14:1  <b>svigil@nmag.gov</b> [1] - 2:14  <b>sworn</b> [3] - 8:2, 13:2, 15:9</p> <p><b>T</b></p> <p><b>technical</b> [3] - 6:12, 6:17, 6:18  <b>testified</b> [2] - 8:3, 13:3  <b>TESTIMONY</b> [1] - 13:4  <b>testimony</b> [10] - 6:12, 6:17, 6:18, 8:18, 8:22, 8:24, 11:1, 15:8, 15:10, 15:11  <b>Testimony</b> [2] - 4:7, 5:8  <b>THE</b> [9] - 1:1, 1:4, 1:4, 1:5, 11:8, 12:22, 12:25, 13:5, 13:9  <b>theory</b> [1] - 7:9  <b>TIMOTHY</b> [1] - 2:9  <b>TO</b> [3] - 1:4, 1:5, 1:6  <b>today</b> [1] - 8:25  <b>TRANSCRIPT</b> [1] - 1:13  <b>transcript</b> [2] - 15:9, 15:11  <b>true</b> [1] - 15:11</p> <p><b>U</b></p> <p><b>UHL</b> [4] - 4:3, 8:1, 11:11, 11:17  <b>Uhl</b> [9] - 5:8, 6:13, 6:18, 6:23, 8:7, 10:4, 11:1, 11:6, 12:17  <b>Uhl's</b> [1] - 12:15</p>	<p><b>unanimous</b> [1] - 14:21  <b>under</b> [3] - 7:9, 8:24, 14:16  <b>Universal</b> [1] - 5:6  <b>up</b> [2] - 7:10, 14:12  <b>USEPA</b> [1] - 10:8  <b>Utah</b> [1] - 7:18</p> <p><b>V</b></p> <p><b>various</b> [1] - 7:13  <b>VIGIL</b> [1] - 2:11  <b>VISIBILITY</b> [1] - 1:6  <b>visibility</b> [3] - 6:6, 7:14, 10:19  <b>VOLKERDING</b> [2] - 2:8, 11:20</p> <p><b>W</b></p> <p><b>Western</b> [2] - 6:16, 11:12  <b>willing</b> [1] - 13:24  <b>WITH</b> [1] - 1:6  <b>witness</b> [2] - 6:11, 7:25  <b>WITNESSES</b> [1] - 4:2  <b>witnesses</b> [2] - 15:8, 15:12  <b>works</b> [1] - 11:22  <b>written</b> [2] - 8:18, 8:21</p> <p><b>Y</b></p> <p><b>years</b> [1] - 11:17</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

KATHY TOWNSEND COURT REPORTERS

110 Twelfth Street, Northwest, Albuquerque, New Mexico 87102

(505) 243-5018 - Fax (505) 243-3606